IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

WP(C).No. 5513 of 2006(F)

PETITIONER:

MANIKANTAN NAIR, S/O.SUKUMARA PILLAI,
KUNNIL PUTHEN VEEDU, AYROOR PUTHEN VEEDU,
AYROOR P.O., VARKALA.

BY ADV. SRI.R.ANILKUMAR
SRI.P.BANI

RESPONDENTS:

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1. ELAKAMON GRAMA PANCHAYATH,
AYROOR P.O., VARKALA REP. BY SECRETARY.

2. STATE OF KERALA, REP. BY SECRETARY,
LOCAL SELF GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.RAJAGOPALAN NAIR
SRI.G.BIJU
GOVERNMENT PLEADER SRI.K.J.MOHD.ANSAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 5513/2006

APPENDIX

PETITIONER'S EXHIBITS:

RESPONDENTS EXHIBITS:

EXT.R1(A): COPY OF AGREEMENT NO. 2/05-06 DATED 1.7.2005

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 5513 of 2006

Dated this 24th day of November, 2006

JUDGMENT

This writ petition has been filed by a contractor of the first respondent Panchayat complaining that the bill amounts due to him have not been disbursed. The Panchayat has filed a counter affidavit . In paragraph 15 of the counter affidavit it is stated as follows:

> " The petitioner was required to produce the details of the work and to rectify the defects in the final bill submitted. But he has not cared to do that. Since the balance amount to be paid to the petitioner is disputed, the claim of the petitioner can be decided only after taking evidence. Hence the petitioner may be directed to approach the civil court for his remedies."

2. Heard the counsel for the petitioner and the counsel for the Panchayat. Having regard to the rival submissions, I am of the view that this writ petition can be disposed of with the following directions:

The petitioner is directed to approach the Secretary of the

first respondent Panchayat with a copy of this judgment immediately. Thereupon, the Secretary of the Panchayat will inform the petitioner as to what are all the defects to be cured in the final bill already submitted. Upon getting information in that regard from the Secretary, the petitioner will cure all the defects to the satisfaction of the Secretary. Once defects are cured, the Secretary of the Panchayat will take an early decision regarding the release of the balance amount payable to the petitioner. Admitted amounts, at any rate, will be paid withins six weeks of the defects being cured by the petitioner.

PIUS C.KURIAKOSE
Judge

dpk